UNITED STATES PATENT AND TRADEMARK OFFICE UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov APPLICATION NO FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/789,413 02/27/2004 Sandra E. Ring 2038 5254 04/01/2008 **EXAMINER** Sandra E. Ring 9 Forest Street REVAK, CHRISTOPHER A Alexandria, VA 22305 ART UNIT PAPER NUMBER 2131 MAIL DATE **DELIVERY MODE** 

Please find below and/or attached an Office communication concerning this application or proceeding.

04/01/2008

PAPER

The time period for reply, if any, is set in the attached communication.

## Application No.   Applicant(s)						
## Examiner Christopher A. Revak 2131  ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Electricities of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filled. If I'N Departed for reply is specified sow, the maximum standorp period will approve and will explose 180, MONTHS from the mailing date of this communication. Fabrato to reply within the set or extended period for reply will by statutory period will applie and will explose 180, MONTHS from the mailing date of this communication. Fabrato to reply within the set or extended period for reply will by statutory period will applie and will reply and will explose 180, MONTHS from the mailing date of this communication. Fabrato to reply within the set or extended period for reply will by statutory and will reply and will explose 180, MONTHS from the mailing date of this communication. Fabratory and will be set or extended period for reply will by statutory and will be communication. Fabratory and will be set or extended period for reply will by statutory and will be communication. Fabratory and will be set or extended period for reply will be reply with the set or extended period for reply will be set or extended period for for reply fabratory 2004.    Status			Application No.	Applicant(s)		
Christopher A. Revak  2131  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  **SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  **If NO period for reply is specified above, the maining idea to this communication.  **If NO period for reply is specified above, the maining idea to the communication.  **Fallive to reply with the set or retained period for reply with y statute, accepted to the source ABANDONEO SULS. 5 133.  **If NO period for reply is specified above, the maining date of this communication is second advanced period for reply with y statute, accepted to the source ABANDONEO SULS. 5 133.  **Status**  **This action is FINAL**  2b) ☐ This action is FINAL*  2c) ☐ This action is FINAL*  2b) ☐ This action is FINAL*  2c) ☐ This action is FINAL*  2c) ☐ This action is FINAL*  2d) ☐ This action is finance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  **Disposition of Claims**  4) ☐ Claim(s) 1.21 is/are pending in the application.  4a) Of the above claim(s)			10/789,413	RING ET AL.		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE   MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Eathersien of them shay be available under the provides of 37 CFR 1.15(c), in ne event, however, may a reply be limely filed  If NO period for reply is specified above, the maximum statutory period will apply and the spire SIX (6) MONTHS from the maring date of this communication.  Fallers for require which he add or corrected period for reply will by statestic, each the application (c) 50 U.S. C. § 133), estand patient term adjustment. See 37 CFR 1.70(b).  Status  1)  Responsive to communication(s) filed on 27 February 2004.  2a) This action is FINAL 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-21 Islare pending in the application.  4) Claim(s) 1-22 Islare allowed.  6) Claim(s) 1-21 Islare allowed.  6) Claim(s) 1-2-11 11, 31 4 and 17-21 islare rejected.  7) Claim(s) 1-2-11, 13 4 and 17-21 islare rejected.  7) Claim(s) 2-4.8 9.16 and 1215 islare objected to.  8) Claim(s) 1-2-11, 11, 31 4 and 17-21 islare rejected.  7) The drawing(s) filed on 27 February 2004 Islare: a) accepted or b) objected to by the Examiner.  10) The drawing(s) filed on 27 February 2004 Islare: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replocament drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The drawing(s) filed copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Spice of the certif		Office Action Summary	Examiner	Art Unit		
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ₃ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available analyt in the provisions of 37 CFR 1.136(a). In or event, however, may a reply be timely lifed  Expensions of time may be available analytic the provisions of 37 CFR 1.136(a). In or event, however, may a reply be timely lifed  If No period for reply is specified above, the maximus tabutory paried will apply and will expire MC (\$\text{Poly HIMP to the mailing date of this communication.} Failure to reply with the set or extended paried for reply will, by stands, cause the application to become ARAHOONED (\$0.5 U.S. C, § 13.5).  Status  1) □ Responsive to communication(s) filled on 27 February 2004.  2a) □ This action is FINAL. 2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-21 is/are pending in the application.  4a) □ Of the above claim(s) is/are allowed.  6) □ Claim(s) 1-57.10.11.13.14 and 17-21 is/are rejected.  7) □ Claim(s) 2-48.9.16 and 127.5 is/are objected to.  8) □ Claim(s) 2-48.9.16 and 127.5 is/are objected to.  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on 27.February 2004 is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.8(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ Certified copies of the priority d						
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Estations of time may be available under the provisions of 3 CPE II.158(a). In ne event, hower, may a reply be limby filed after SX (b) MCNTHS from the mailing date of this communication.  Fashes or perby while the est or extended period for reply will by statine, cause the application to become ANANDEDIO 25 U.S. C. § 133. Any reply received by the Diffee later than three months after the mailing date of this communication, even if timely filed, may reduce any seamed patter than disputement. See 37 CFR 1.704(b).  Status  1) □ Responsive to communication(s) filed on 27 February 2004.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-21 is/are pending in the application.  4) □ Claim(s) 1-21 is/are pending in the application.  4) □ Claim(s) 1-51 is/are allowed.  5) □ Claim(s) 1-57 10.11.13.14 and 17.21 is/are rejected.  7) □ Claim(s) 2-4.8.9.16 and 1215 is/are objected to.  8) □ Claim(s) 2-4.8.9.16 and 1215 is/are objected to.  8) □ Claim(s) 1-67 10.11.13.14 and 17.21 is/are rejected.  7) □ Claim(s) 1-7 10.11.13.14 and 17.21 is/are rejected.  7) □ Claim(s) 1-7 10.11.13.14 and 17.21 is/are rejected to.  8) □ Claim(s) 1-8 10.11.13.14 and 17.21 is/are rejected.  7) □ Claim(s) 1-8 10.11.13.14 and 17.21 is/are rejected to.  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on 27 February 2004 is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) incuding the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or			ears on the cover sheet with the c	orrespondence address		
1)⊠ Responsive to communication(s) filed on 27 February 2004.  2a)□ This action is FINAL. 2b)⊠ This action is non-final.  3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)⊠ Claim(s) 1-21 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)□ Claim(s) is/are allowed.  6)⊠ Claim(s) 1.5-7.10.11.13.14 and 17-21 is/are rejected.  7)⊠ Claim(s) 2-4.8.9.16 and 1215 is/are objected to.  8)□ Claim(s) 2-4.8.9.16 and 1215 is/are objected to.  8)□ The specification is objected to by the Examiner.  10)⊠ The drawing(s) filed on 27 February 2004 is/are: a)⊠ accepted or b)□ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)□ All b)□ Some * c)□ None of:  1.□ Certified copies of the priority documents have been received.  2.□ Certified copies of the priority documents have been received in Application No  3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of Draftspersons Patent Drawing Review (PTO-948)  3) ☐ Information Discobure Statement(s) (PTO-892)  4) ☐ Information Discobure Statement(s) (PTO-893)  5) ☐ Notice of Informar Patent Application	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any					
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-21 is/are pending in the application. 4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s) 1.5-7.10.11.13.14 and 17-21 is/are rejected.  77  Claim(s)  are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on 27 February 2004 is/are: a)  accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	Status					
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  Claim(s) is/are allowed.  Claim(s) is/are allowed.  Claim(s) is/are allowed.  Application Space and 1215 is/are objected to.  8)  Claim(s) as subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on 27 February 2004 is/are: a)  accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	1)⊠	Responsive to communication(s) filed on 27 Fe	ebruary 2004.			
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are allowed. 8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on 27 February 2004 is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s) 1) ☑ Notice of References Clied (PTO-892) 1) ☑ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) □ Information Discobsure Statement(s) (PTO/SB/08) 5) □ Notice of Informal Patent Application	2a)	This action is <b>FINAL</b> . 2b)⊠ This	action is non-final.			
Disposition of Claims  4) ☐ Claim(s) 1-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1.5-7.10.11.13.14 and 17-21 is/are rejected. 7) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in Application No  4) ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☐ Notice of References Cited (PTO-892)  3) ☐ Notice of References Cited (PTO-892)  5) ☐ Notice of Informal Patent Application	3)[	Since this application is in condition for allowar	nce except for formal matters, pro	secution as to the merits is		
4) ☐ Claim(s) 1-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1,5-7,10,11,3,14 and 17-21 is/are rejected. 7) ☐ Claim(s) 2-4,8,9,16 and 1215 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☐ Notice of References Cited (PTO-892) ☐ Notice of Partsperson's Patent Drawing Review (PTO-948) 3) ☐ Intornation Disclosure Statement(s) (PTO/S908)  5) ☐ Motice of Informat Patent Application		closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.		
4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  7) □ Claim(s) is/are allowed.  7) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on 27 February 2004 is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) □ Notice of References Cited (PTO-892)  □ Notice of References Cited (PTO-892)  □ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) □ Information Disclosure Statement(s) (PTO/St0/8)  5) □ Notice of Informal Patent Application	Disposit	ion of Claims				
5)  Claim(s) is/are allowed. 6)  Claim(s) is/are allowed. 6)  Claim(s) is/are allowed. 7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on 27  February 2004 is/are: a)  accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37  CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37  CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1.  Certified copies of the priority documents have been received. 2.  Certified copies of the priority documents have been received in Application No 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) Notice of Traftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application	-					
6  Claim(s) 1.5-7.10.11.13.14 and 17-21 is/are rejected. 7  Claim(s) 2-4.8.9.16 and 1215 is/are objected to. 8  Claim(s) 2-4.8.9.16 and 1215 is/are objected to. 8  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9  The specification is objected to by the Examiner. 10  The drawing(s) filed on 27 February 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some col None of: 1  Certified copies of the priority documents have been received. 2  Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Intomation Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application			vn from consideration.			
7)  Claim(s) 2-4,8.9,16 and 1215 is/are objected to. 8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on 27 February 2004 is/are: a)  accepted or b)  objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1)  Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3)  Intormation Disclosure Statement(s) (PTO/SB/08)  5)  Notice of Informal Patent Application	·		:d			
8		-				
Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☐ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  5) ☐ Notice of Informal Patent Application	·	-				
9)⊠ The specification is objected to by the Examiner.  10)⊠ The drawing(s) filed on 27 February 2004 is/are: a)⊠ accepted or b)□ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)□ All b)□ Some * c)□ None of:  1.□ Certified copies of the priority documents have been received.  2.□ Certified copies of the priority documents have been received in Application No  3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☐ Information Disclosure Statement(s) (PTO/SB/08)			orocion roquiromonic			
10) ☐ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☐ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  5) ☐ Notice of Informal Patent Application						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application		•				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  1 Notice of Informal Patent Application	10)⊠		•	•		
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  5) ☐ Notice of Informal Patent Application			•	· ·		
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application	11)					
a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application	Priority (	under 35 U.S.C. § 119				
1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)  1 Information Disclosure Statement(s) (PTO/SB/08)						
2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  5) ☐ Notice of Informal Patent Application	,					
application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  * See the attached detailed Office action for a list of the certified copies not received.  4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
* See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1)  Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3)  Information Disclosure Statement(s) (PTO/SB/08)  * See the attached detailed Office action for a list of the certified copies not received.  4)  Interview Summary (PTO-413) Paper No(s)/Mail Date  5)  Notice of Informal Patent Application	3. Copies of the certified copies of the priority documents have been received in this National Stage					
Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)  4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application	* See the attached detailed Office action for a list of the certified copies not received.					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application		• •	_			
3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application						
	3) 🔲 Infor	mation Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal P	<del>-</del>		

Application/Control Number: 10/789,413 Page 2

Art Unit: 2131

### **DETAILED ACTION**

# Specification

1. The disclosure is objected to because of the following informalities: On page 8 of the applicant's specification, line 21, reference is made to another co-pending application which the application number is missing.

Appropriate correction is required.

# Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 3. Claims 1,5-7,10,11,13,14, and 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Flowers et al, U.S. Patent 7,073,198.

As per claim 1, it is taught by Flowers et al of a system for detecting an operating system exploitation which is of a type that renders a computer insecure, said system comprising a storage device; an output device; and a processor programmed to monitor the operating system to ascertain an occurrence of anomalous activity resulting from operating system behavior which deviates from any one of a set of pre-determined

Art Unit: 2131

operating system parameters, wherein each of said pre-determined operating system parameters corresponds to a dynamic characteristic associated with an unexploited said operating system; and generate output on said output device which is indicative of any said anomalous activity that is ascertained (col. 4, lines 38-61 and col. 6, lines 15-30 & 39-49).

As per claims 5,10, and 13, it is disclosed by Flowers et al wherein said exploitation is selected from a group of comprises consisting of a hidden kernel module, a hidden system call table patch, a hidden process, a hidden file and a hidden port listener (col. 4, lines 28-55).

As per claim 6, Flowers et al teaches of a system for detecting an operating system exploitation which is of a type that renders a computer insecure, said system comprising storage means; output means; processing means for monitoring the operating system to ascertain an occurrence of any anomalous activity resulting from behavior which deviates from any one of a set of pre-determined operating system parameters, wherein each of said pre-determined operating system parameters corresponds to a dynamic characteristic associated with an unexploited said operating system; and generating output on said output means which is indicative of any anomalous activity that is ascertained (col. 4, lines 38-61 and col. 6, lines 15-30 & 39-49).

As per claim 7, Flowers et al discloses of a computerized method for detecting exploitation of a computer operating system, comprising establishing a set of operating system parameters, each corresponding to a dynamic characteristic associated with an

Art Unit: 2131

unexploited operating system; monitoring the operating system to ascertain an occurrence of any anomalous activity resulting from behavior which deviates from any

one of the set of operating system parameters; and generating output indicative of a detected exploitation upon ascertaining said anomalous activity (col. 4, lines 38-61 and

col. 6, lines 15-30 & 39-49).

As per claim 11, it is taught by Flowers et al of a computerized method for detecting exploitation of a selected type of operating system, wherein the exploitation is one which renders a computer insecure, and whereby said method is capable of detecting said exploitation irrespective of whether the exploitation is signature-based and without a prior baseline view of the operating system, said method comprising monitoring the operating system to ascertain an occurrence of any anomalous activity resulting from behavior which deviates from any one of a set of operating system parameters, each operating system parameter corresponding to a dynamic characteristic associated with an unexploited operating system of the selected type (col. 4, lines 38-61 and col. 6, lines 15-30 & 39-49).

As per claim 14, it is disclosed by Flowers et al of a computer-readable medium for use in detecting rootkit installations on a computer running an operating system, said computer-readable medium comprising a loadable kernel module having executable instructions for performing a method comprising: monitoring the operating system to ascertain an occurrence of any anomalous activity resulting from behavior which deviates from any one of a set of dynamic operating system parameters, each operating system parameter corresponding to a dynamic characteristic associated with an

Art Unit: 2131

unexploited operating system of the selected type (col. 4, lines 38-61 and col. 6, lines 15-30 & 39-49).

As per claim 17, Flowers et al teaches of a computer-readable medium for use in detecting a rootkit exploitation of a computer running a Linux operating system, wherein said rootkit exploitation is of a type that renders the computer insecure, said computer-readable medium comprising a loadable kernel module having executable instructions for performing a method comprising analyzing the operating system's memory to detect an existence of any hidden kernel module; analyzing the operating system's system call table to detect an existence for any hidden patch thereto; analyzing the computer to detect an existence of any hidden process; and analyzing the computer to detect an existence of any hidden file (col. 4, lines 38-61 and col. 6, lines 15-30 & 39-49).

As per claim 18, Flowers et al discloses wherein said executable instructions are operative to analyze the computer for any hidden process by generating respective kernel space and user space views of running processes on the computer and ascertaining if a discrepancy exists therebetween (col. 4, lines 28-55).

As per claim 19, it is taught by Flowers et al wherein said executable instructions are operative to analyze the computer for any hidden file by generating respective kernel space and user space views of existing files on the computer and ascertaining if a discrepancy exists therebetween (col. 4, lines 28-55).

As per claim 20, it is disclosed by Flowers et al wherein said executable instructions are operative to analyze the system call table by initially obtaining an unbiased address for the system call table, and thereafter searching each call within the

Art Unit: 2131

system call table to ascertain if it references an address outside of a dynamic memory range for the operating system's kernel (col. 4, lines 28-55).

As per claim 21, Flowers et al teaches wherein said executable instructions are operative to display characteristic output results for any hidden kernel module, hidden system call table patch, hidden process and hidden file which is detected (col. 4, lines 28-55).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2131

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher A. Revak/ Primary Examiner, Art Unit 2131

# Notice of References Cited Application/Control No. 10/789,413 Examiner Christopher A. Revak Applicant(s)/Patent Under Reexamination RING ET AL. Art Unit Page 1 of 2

### **U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	Α	US-5,918,008	06-1999	Togawa et al.	726/24
*	В	US-6,240,530	05-2001	Togawa, Yoshifusa	714/38
*	С	US-2003/0212910	11-2003	Rowland et al.	713/201
*	D	US-7,243,148	07-2007	Keir et al.	709/224
*	Ε	US-7,231,665	06-2007	McArdle et al.	726/22
*	F	US-7,162,742	01-2007	Flowers et al.	726/25
*	G	US-7,152,105	12-2006	McClure et al.	709/224
*	Н	US-7,073,198	07-2006	Flowers et al.	726/25
*	-	US-7,058,968	06-2006	Rowland et al.	726/1
*	J	US-6,957,348	10-2005	Flowers et al.	726/23
*	К	US-6,301,668	10-2001	Gleichauf et al.	726/25
*	L	US-6,282,546	08-2001	Gleichauf et al.	707/102
*	М	US-5,978,475	11-1999	Schneier et al.	713/177

#### **FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name .	Classification
	N			,		
	0					
	Р					
	Q	•			-	
	R					
	s					
	Т					

### **NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	υ	
	>	•
	8	
	×	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

### Application/Control No. Applicant(s)/Patent Under Reexamination 10/789,413 RING ET AL. Notice of References Cited Examiner Art Unit Page 2 of 2 Christopher A. Revak 2131 **U.S. PATENT DOCUMENTS** Document Number Date Classification Country Code-Number-Kind Code MM-YYYY US-5,032,979 07-1991 Hecht et al. 726/25 US-В US-С US-D US-Ε US-F US-G US-Н USı US-J US-Κ US-US-М FOREIGN PATENT DOCUMENTS Document Number Country Name Classification Country Code-Number-Kind Code MM-YYYY 0 Р Q R s Т **NON-PATENT DOCUMENTS** Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) U W Х

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

OFFICIAL BUSINESS PENALTY FOR PRIVATE USE, \$300

Bldg/Roon k Office

UNITED STATES TO THE STATES OF THE STATES OF

MAILED FROM ZIP CODE 21314

32 1% 3004244978

\$ 07. 140

AN EQUAL OPPORTUNITY EMPLOYER

NINIE 2032 1 05 04/05/08

RETURN TO SENDER
UNABLE TO FORWARD
RETURN TO SENDER

